



BK 0931 PG 356



MISC 1990 13043

THIS PAGE INCLUDED FOR
INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT

STORM SEWER CONNECTION AGREEMENT

This Agreement is made this 16th day of April, 1990, by and between CONAGRA, INC., a Delaware Corporation, OPUS CORPORATION, a Minnesota corporation and OMAHA REAL ESTATE INVESTMENT PARTNERSHIP, a Minnesota general partnership (collectively, "Developers") and the COUNTY OF DOUGLAS, NEBRASKA, a political subdivision of the State of Nebraska (the "County").

WITNESSETH:

WHEREAS, Developers have constructed a storm sewer across that portion of their property located in Douglas County, Nebraska, more particularly described as Lots 1, 2, 16, 17, 19 and 20, Central Park East, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska (the "Developers Property");

WHEREAS, the County is the owner of a storm sewer as well as the owner of the storm sewer outfall line, as located on the Outlot of Central Park East, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska and on that certain real estate in Omaha, Douglas County, Nebraska more particularly described in Exhibit "A" attached hereto and incorporated by reference herein (collectively, the "County Property");

WHEREAS, Developers desire to connect their storm sewer system to the storm sewer outfall line of the County, and the County desires to connect its storm sewer system into Developers' storm sewer system, at locations more particularly described hereinafter;

WHEREAS, the storm sewer and storm sewer outfall line as currently constructed is shown on Exhibit "B" attached hereto and incorporated by reference herein; and

WHEREAS, Developers and the County desire to enter into this Agreement for purposes of defining the rights and obligations with regard to said storm sewer system.

NOW, THEREFORE, in consideration of the foregoing recitals and in further consideration of the mutual covenants, terms and conditions herein contained, the parties hereto agree as follows:

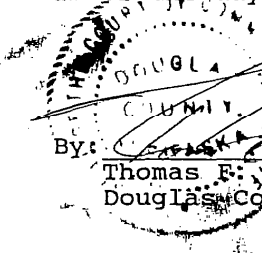
1. The County hereby grants to Developers the license, easement and right to make connections to the outfall storm sewer system owned by the County at the location within the County Property, as more particularly shown and identified on the drawing attached hereto as Exhibit "B". The County hereby warrants that it has the authority to run its storm sewer system through the Outlot in Central Park East.

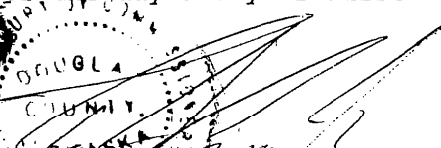
2. Developers hereby grant to the County the license, easement and right to make connections to the outfall storm sewer system owned by Developers at the location within Lot 16, Central Park East, as more particularly shown and identified on the drawing attached hereto as Exhibit "B".

3. Developers shall maintain the storm sewer system located within the Developers Property in good condition sufficient to permit the free flow of storm drainage through said system, and shall immediately repair and restore any damage or casualty to the storm sewer system located within the Developers Property. The County shall maintain the storm sewer system located within the County Property in good condition sufficient to permit the free flow of storm drainage through said system, and shall immediately repair and restore any damage or casualty to the storm sewer system located within the County Property.

4. The rights and obligations contained herein shall be perpetual and appurtenant to and run with the land and shall inure to the benefit of, and be binding upon, the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

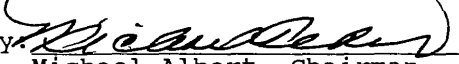


By: 

Thomas F. Cavanaugh,

Douglas County Clerk

COUNTY OF DOUGLAS, NEBRASKA,
a political subdivision of the
State of Nebraska

By: 


Michael Albert, Chairman,
Douglas County Board of
Commissioners

CONAGRA, INC.
a Delaware corporation

By: 

Title: Vice President/Controller

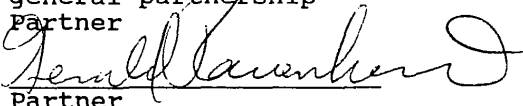
OPUS CORPORATION, a
Minnesota corporation

By: 

Title: Pres. [Name]

OMAHA REAL ESTATE INVESTMENT
PARTNERSHIP, a Minnesota
general partnership

By: ARBEIT & CO., a Minnesota
general partnership
Title: Partner

By: 

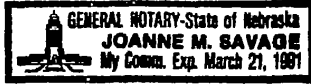
Partner

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

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19th The foregoing instrument was acknowledged before me on the day of June, 1990, by Michael Albert, who is the Chairman of the Board of Commissioners of the County of Douglas, Nebraska, and acknowledged said Instrument on behalf of the County of Douglas, Nebraska.

Witness my hand and official seal the day and year last above written.



Joanne M Savage
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

16 The foregoing instrument was acknowledged before me on the day of April, 1990, by D.T. Peters, who is the V.P. Controller of ConAgra, Inc., and acknowledged said Instrument on behalf of ConAgra, Inc.

Witness my hand and official seal the day and year last above written.

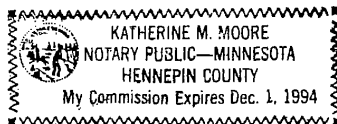


Karen Ann Lewis
Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me on the 24th day of April, 1990, by Gene Haugland, who is the President of Opus Corporation, and acknowledged said Instrument on behalf of Opus Corporation.

Witness my hand and official seal the day and year last above written.



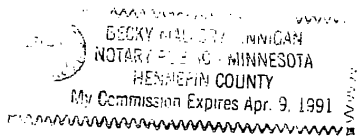
Katherine M. Moore
Notary Public

STATE OF Minnesota)
) ss.
COUNTY OF Hennepin)

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The foregoing instrument was acknowledged before me on the 2nd day of May, 1990, by Ronald Kauerhaust, who is a partner of Arbeit & Co., a partner of Omaha Real Estate Investment Partnership, and acknowledged said Instrument on behalf of Arbeit & Co.

Witness my hand and official seal the day and year last above written.



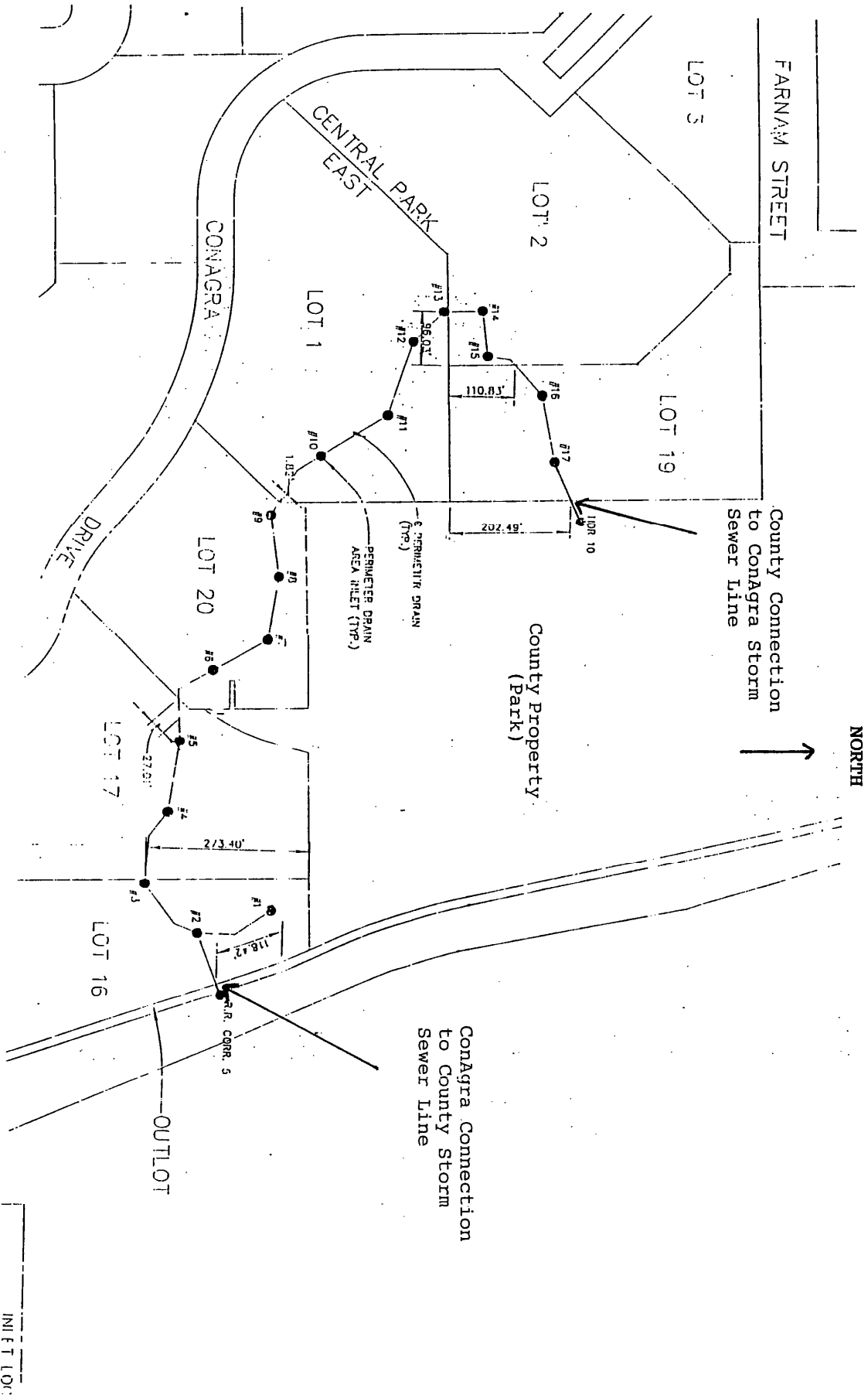
Becky Mullery Finnigan
Notary Public

EXHIBIT "A"
(Page 1 of 2)

Lots 1, 2, 7 and 8 together with the E1/2 of Lots 5 and 6 in Block 125, Original City of Omaha, as surveyed and lithographed in Douglas County, Nebraska, together with parts of Lots 4, 5 and 6, Block 126, said Original City of Omaha, together with all of Blocks 131 and 155 said Original City of Omaha, together with Lot 5 and part of Lots 2, 3, 4, 6 and 7, Block 166 said Original City of Omaha, together with all or parts of the vacated streets and alleys adjoining the above-described lots and blocks, all more particularly described as follows:

Beginning at the Northwest corner of said Block 126; thence West (assumed bearing) on the North line of said Block 125 and the Easterly extension thereof, 232.50 feet to the Northwest corner of Lot 2 said Block 125; thence S00°06'55"W on the West line of Lot 2 said Block 125 and the Southerly extension thereof, 142.04 feet to the centerline of the vacated alley; thence N89°59'49"W on the centerline of said vacated alley, 66.20 feet to the Northerly extension of the West line of the E1/2 of Lots 5 and 6 said Block 125; thence S00°05'38"W on the West line of the E1/2 of Lots 5 and 6 said Block 125 and the Northerly and Southerly extension thereof, 242.03 feet to the North line of Block 132 said Original City of Omaha; thence S89°59'38"E on the North line of Block 132 said Original City of Omaha and the Easterly extension thereof, 298.38 feet to the Northwest corner of said Block 131; thence S00°09'00"W on the West lines of said Block 131 and 155 and the Southerly extension thereof, 767.95 feet to the Northwest corner of Block 161 said Original City of Omaha; thence N89°58'40"E on the North line of Blocks 161 and 160 said Original City of Omaha, 429.48 feet to the Northeast corner of Lot 4, Block 160 said Original City of Omaha; thence N00°13'33"E, 100.00 feet to the Southeast corner of Lot 5 said Block 156; thence N89°58'40"E on the South line of Lot 6 said Block 156, 39.87 feet to a line 75.00 feet Northwesterly from the centerline of the Union Pacific Railroad main track; thence N17°48'43"E on a line 75.00 feet Northwesterly of and parallel to the centerline of said Union Pacific Railroad main track, 51.46 feet to a point of curve; thence Northeasterly on a line 75.00 feet Northwesterly of and parallel to the centerline of said Union Pacific Railroad main track on a 1694.90 foot radius curve to the left (chord bearing N15°52'11"E, chord distance 114.89 feet), an arc distance of 114.91 feet to a line 13.00 feet Northeasterly of the centerline of the Burlington Northern Railroad Company, successor in interest to the Chicago, Burlington & Quincy Railroad Company Track No. 5; thence N39°49'40"W on a line 13.00 feet Northeasterly of and parallel to the centerline of said Burlington Northern Railroad Company Track No. 5, 161.39 feet to the North line of Lot 4 said Block 156; thence N00°13'33"E, 50.00 feet to the centerline of vacated Harney Street; thence N89°58'27"W on the centerline of said vacated Harney Street, 98.64 feet to the centerline of vacated

6th Street; thence $N00^{\circ}13'33''E$ on the centerline of said vacated 6th Street, 334.25 feet to the Easterly extension of the North line of said Block 131; thence $N89^{\circ}59'38''W$ on the North line of said Block 131 and the Easterly extension thereof, 217.34 feet to a point 35.10 feet West of the Northeast corner of Lot 3 said Block 131; thence $N00^{\circ}11'03''E$, 100.00 feet to a point on the South line of Lot 6, said Block 126 that is 35.10 feet West of the Southeast corner of Lot 6, said Block 126; thence Northwesterly on the Westerly line of a tract of land described in Deed Book 1631, pages 183 through 186, of the Douglas County Records on the following described courses; thence $N18^{\circ}43'05''W$, 139.43 feet; thence $N18^{\circ}25'15''W$, 21.08 feet; thence $N18^{\circ}57'33''W$, 14.31 feet; thence $N10^{\circ}04'26''W$, 59.15 feet; thence $N26^{\circ}30'26''W$, 67.36 feet to the Point of Beginning.



BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, NEBRASKA

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Resolved

WHEREAS, this Board of Commissioners did, on the 15th day of March, 1988, enter into a Redevelopment Agreement with the City of Omaha, The Omaha Development Foundation, the Peter Kiewit Foundation, and ConAgra, Inc., for the development of what has been commonly called the "Central Park East Development";

WHEREAS, as an outgrowth of said Redevelopment Agreement certain construction has developed adjacent to Douglas County's Central Park East site;

WHEREAS, Douglas County desires to connect its storm sewer system into that of the developers of the land adjacent to the Central Park East site and the system of the City of Omaha;

AND WHEREAS, it is in the best interests of the County of Douglas to enter into a "STORM SEWER CONNECTION AGREEMENT", a copy of which is attached hereto and fully incorporated herein by this reference;

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS THAT the attached "STORM SEWER CONNECTION AGREEMENT" shall be and hereby is approved in all respects and this Board's Chairman and Clerk shall be and hereby are authorized and instructed to enter into said agreement for and on behalf of the County of Douglas.

DATED this 19th day of June, 1990.

Motion by Green; Seconded by Rosenblatt
I move the adoption of the resolution.
ADOPTED: June 19, 1990
YEAS: Buffett, Green, Rosenblatt,
Simon, Albert

(CERTIFIED COPY)

[Signature]
COUNTY CLERK

Certified Copy to: County Clerk,
County Commissioners, County Attorney,
D. Sykes, S. Walker, Internal Audit,
Public Properties

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, NEBRASKA.

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H 1304B

3K 931 N _____ C/O _____ FEE 58⁵⁰
356363
" 9-1 N _____ DEL 18 MC WC
IF mic COMP VP F/B 03-80000
23-6170

RECEIVED
JUL 18 2 37 PM '90
GEORGE A. ENGLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NE